

**MEMO ENDORSED****UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MARK MARVIN, Plaintiff

23-cv-5947

Against

BLANE ALLEN  
DENNIS KETCHAM  
JOHN DOE  
Defendants**MOTION FOR INJUNCTIVE RELIEF**

MARK MARVIN, Plaintiff filed this civil rights action following the denial of due process in the Town of Montgomery by officials who denied his application for reduced taxes on the real property he inherited following his mother's death.

1, Under STAR rules (tax.ny.gov) he is over 65 (74) with social security income and is entitled to continue his mother's STAR exemption. He exhausted the state remedies and was denied STAR exemption.

2, Because he had not received a tax bill from the Town of Montgomery, he approached the tax office on September 11, 2023 and was given the annexed tax bill of \$8,163 (school tax 4894.15, and penalty of 3188.82) (penalty for what?) Prior tax bills were about \$1400, which was later reimbursed by the State of New York.

3, By order of the Honorable Laura Taylor Swain, Chief Judge, he was granted In Forma Pauperis status. The requirements for IFP status are stricter than STAR requirements and he is likely to prevail on the underlying claim that he was wrongly denied STAR relief.

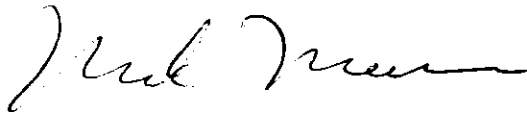
4, Because the tax bill is oppressive for a poor person, he asks that

this court order injunctive relief against the levy of this tax bill.

5, He has become aware that the U.S. Supreme Court recently ( May 25, 2023, CA-8, 21-186) held that confiscation of a poor person's real property by oppressive taxation seizure was unlawful and he believes that he is similarly oppressed.

WHEREFORE, he prays that this honorable court grant his motion for injunctive relief concerning this oppressive illegal tax bill which he believes is unconstitutional under due process and an illegal seizure and such other and further relief as is just and proper.

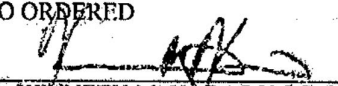
Affirmed as true on information and belief,



MARK MARVIN, Plaintiff  
135 Mills Toad  
Walden, N.Y. 12586  
845-778-4693  
September 11, 2023

Plaintiff's Motion for Injunctive Relief, is denied without prejudice as premature. The Court will consider this Motion as annexed to Plaintiff's Complaint. The Clerk of Court is respectfully directed to terminate the pending Motion, (Dkt. No. 4), and mail a copy of this Order to Plaintiff.

SO ORDERED

  
KENNETH M. KARAS U.S.D.J.

October 11, 2023

I served a copy of this motion for Injunctive relief and copy of the original petition on the following by certified mail.

Clerk, Town of Montgomery  
110 Bracken Road  
Montgomery, N.Y. 12549-2627

70 22 - 2410 - 0003 -  
1096 - 1885  
Sept 12, 2023

FISCAL YEAR: 07/01/2023 to 06/30/2024	WARRANT DATE: 08/21/2023	STATE AID - COUNTY: \$0.00	SCHOOL: \$52,767,774.00
MAKE CHECK PAYABLE TO:		BANK	BILL NUMBER
		I	045722
		PAGE	
		1 OF 1	

MARIE E. PRUSCHKI  
RECEIVER OF TAXES  
110 BRACKEN RD, TOWN HALL  
MONTGOMERY NY 12549-2726

TO PAY IN PERSON:  
T/O MONTGOMERY  
TOWN HALL  
110 BRACKEN RD  
MONTGOMERY, NY 12549  
PH:845-457-2630

## PROPERTY INFORMATION:

TAX MAP #: 334289 12-1-8.1

DIMENSION: 1.00 acres

RS: 1 CLASS: 1 Family Res

ADDRESS: 135 Mills Rd

SCHOOL: Valley Central Sch

FULL MARKET VALUE: 322600.00

UNIFORM % OF VALUE: 42.00

ASSESSMENT: 135500

## PROPERTY OWNER:

Marvin(d) Rose M  
135 Mills Rd  
Walden, NY 12586

## MEMORANDUM BILL

LEVY DESCRIPTION	TAX LEVY	% Change From Prior YR Levy	RATE	TAXABLE VALUE	AMOUNT DUE
VALLEY CENTRAL SCH	66968860	0.9000	36.11918300	135500.00	4894.15
PRO RATA OR AG PENLT	0	0.0000	0.00000000	0.00	3188.29
COLLECTION FEE	0	0.0000	0.00000000	0.00	80.82

## PAYMENT PERIODS

From:	To:	Tax Amount:	Penalty:	Notice Fee:	Total Due:	Amount Paid:	Date Paid:
SEP 1	OCT 2, 2023	8163.26			8163.26		
OCT 3	OCT 31, 2023	8163.26	161.65		8324.91		

TOTAL TAXES PAID TO DATE:	\$0.00	REMAINING TAXES DUE EXCLUDING ANY INTEREST OR PENALTY:	\$8163.26
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VALLEY CENTRAL SCHOOL: SCHOOL 2023 TAXES  
RECEIVERS STUB

334289 12-1-8.1

Marvin(d) Rose M  
135 Mills Rd  
Walden, NY 12586

BILL NO.: 045722

BANK: I

MUNICIPALITY: Valley Central School

SCHOOL: Valley Central Sch

PROPERTY ADDRESS:

135 Mills Rd

TOTAL TAXES PAID TO DATE:	\$0.00	REMAINING TAXES DUE EXCLUDING ANY INTEREST OR PENALTY:	\$8163.26
PLEASE RETURN ENTIRE BILL WITH YOUR PAYMENT		CHECK THIS BOX IF YOU WOULD LIKE A RECEIPT	<input type="checkbox"/>

**Town of Montgomery  
110 Bracken Road  
Montgomery, New York 12549  
(845) 457-2650**

**Notice of Exemption Removal**

**Date: 2/22/2023**

**Parcel ID: 334289 12-1-8.1  
School District: 334201  
Municipal Name: Montgomery  
Date Deceased: 3/20/22**

**Rose M Marvin (d)  
135 Mills Rd  
Walden, NY 12586**

**To Whom It May Concern:**

We offer our condolences on the passing of Rose M Marvin . As you may be aware, the property listed above was receiving the exemptions listed below. Section 520 of the Real Property Tax Law provides that when a property is receiving exemptions and the owner passes, the property tax exemption expires and the property then becomes fully taxable from the date of death forward.

Therefore, please be advised that the next set of property tax bills will include an omitted tax that reflects the tax savings attributable to the exemption.

	<u>County</u>	<u>Town/Village</u>	<u>School</u>
<b>Prior Taxable Value:</b>	<b>\$67,750</b>	<b>\$67,750</b>	<b>\$16,650</b>
<b>Removed Exemptions:</b>			
<b>AGED</b>	<b>67,750</b>	<b>67,750</b>	<b>67,750</b>
<b>ENH STAR</b>			<b>51,100</b>

<b>Current Taxable Value:</b>	<b>\$135,500</b>	<b>\$135,500</b>	<b>\$135,500</b>
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**If you have any questions concerning this notice, please contact the Assessor's office at the address above.**

**Real Property Assessing Department  
Town of Montgomery**

**cc: Orange County Real Property**



Department of  
Taxation and Finance

## Register for the School Tax Relief (STAR) Credit

Congratulations on your new home! If this will be your primary residence, take a few minutes to register for the STAR credit.

Eligible new homeowners will receive their STAR savings in the form of a check directly from New York State.

But you must register with the New York State Tax Department to receive a STAR credit check.

You can register 24 hours a day, 7 days a week at [www.tax.ny.gov/star](http://www.tax.ny.gov/star).

Property owners without access to a computer can register by phone at 518-457-2036 weekdays between 8:30 a.m. and 4:30 p.m.

Feedback on the STAR Registration application from our users:

*'Straightforward and easy to use.'*

*'Very user friendly. Easy to go through step by step.'*

*'I expected this to be a long lengthy process... and it was not.'*

### Are you eligible for STAR?

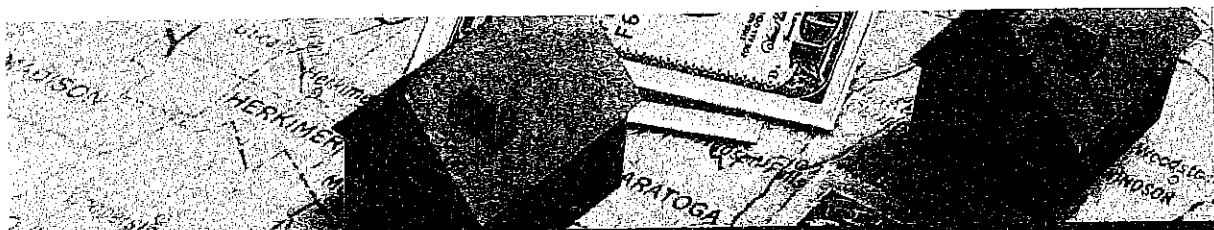
If you own your home, it's your primary residence, and your income is \$500,000 or less, you're eligible for the Basic STAR credit.

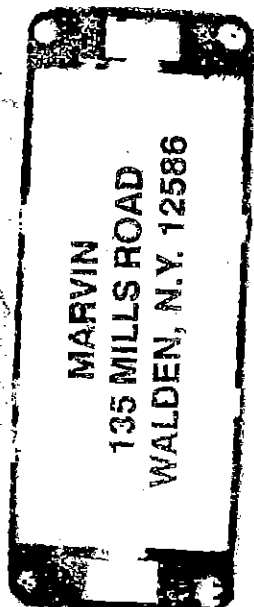
In addition, if you're 65 or older with an income of \$93,200 or less, you may be eligible for the Enhanced STAR credit.

In the first year of your new home, you may receive the prior owner's STAR exemption. In future years, as long as you're eligible, we'll send you a STAR check. You don't need to register again.

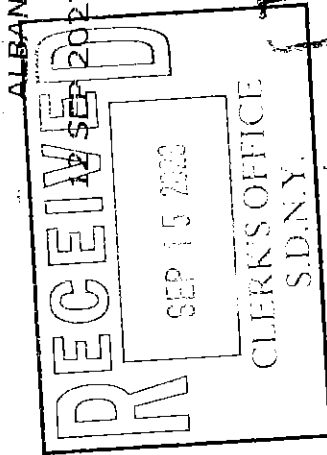
### Before you register, have this information available:

- ☐ names and social security numbers for all owners of the property and their spouses
- ☐ the name of the school district where your primary residence is located
- ☐ approximate date you purchased the property, and the name of the sellers
- ☐ the most recent school tax bill, if you received one
- ☐ address of any residential property owned in another state
- ☐ if the property is owned in trust, the legal name of the trust
- ☐ 2021 federal or state income tax returns for all owners (if you didn't file a 2021 income tax return, you'll be asked to provide financial information for all property owners)





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ALBANY NY 120

PM 2 L



**USMP3  
SDNY**

*Clerk  
US District Court  
US Courthouse  
500 Pearl St.  
New York, NY 10007*

10007-101608

